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Los Angeles Superior Court

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BY M. SEALS, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

CHRISTOPHER M. BROWN

Defendant.

Case No. BA353571

NOTICE AND PETITION FOR
PROBATION MODIFICATION

DATE: February 6, 2013
DEPT.: 123

INTRODUCTION

This is a petition by the People made pursuant to Penal Code Section¹ 1203.2, subdivision (b) requesting that the Court find the Defendant in violation of the terms of his probation for failure to complete the 180 days of community labor as required by the Court's order of August 25, 2009. (See People's Exhibit 1, hereafter Exh. 1, at p.3.) As a consequence of said violation, the People respectfully request that this Court terminate the prior consent permitting Defendant to complete the community labor requirement out of state and modify the terms of his probation accordingly. Said request is based upon the attached Exhibits and Memorandum of Points and Authorities, which are incorporated by reference.

¹ All further references will be to the Penal Code.

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STATEMENT OF THE CASE

On June 22, 2009, Defendant Chris Brown pled guilty to one felony count of assault by means of force likely to produce great bodily injury in violation of section 245, subdivision (a)(1). The Honorable Patricia Schnegg sentenced the Defendant to five years formal probation and as a condition of that probation required him to perform 180 days of *community labor*², complete a 52 week batterer's intervention program, and to pay associated fines and fees. The Court explicitly ordered the Defendant to perform "180 days of Cal Trans or graffiti removal (Physical Labor.)" (Exh. 1.)

On August 25, 2009, Defendant was placed on formal probation. Judge Schnegg granted the Defendant's request to complete the community labor and batterer's program in Virginia, via the Interstate Commission for Adult Offender Supervision (ICAOS). However, Los Angeles County Department of Probation was to maintain supervision of his probation.

Initially, the Probation Department's progress reports were calendared at 90 day intervals. Upon the Probation Department's report that the Defendant completed the batterer's intervention program and paid all fines, the Court began scheduling progress reports at six month intervals. The People assumed, as did the Court, that the Defendant had in fact complied with all terms and conditions of probation as indicated in the Probation Progress Reports, up through Probation Report No. 9, which was submitted to the Court on October 12, 2011. (See People's Exhibit 2, hereafter, Exh. 2.)

In summary, the following relevant information was submitted to the Court:

1. **October 2011:** Los Angeles County Probation reported **581** hours of community labor as of October 3, 2011;
2. **November 8, 2011:** A letter to the Honorable Judge Schnegg, signed by the Chief of the Richmond Police Department in Progress Report sequence No. 9,

² The term *community labor* was clear and designated purposefully to avoid confusion with a lesser requirement of *community service*.

1 indicated that as of November 8, 2011 the Defendant "has performed 103 days
2 of community labor" under his supervision. (It should be noted that
3 completion of 103 days of labor at 8 hours a day is equivalent to **824** hours);

- 4 3. **February 8, 2012:** Three months later, the Interstate Commission for Adult
5 Offender Supervision Office reported the Defendant "completed **701** hours of
6 community labor thus far" and "is eligible to be released from further
7 supervision." (It should be noted that completion of 180 days at 8 hours a day
8 is 1440 hours of labor, not 701.)

9 The People informed the Court of the apparent discrepancies in these reports and
10 repeatedly requested the Court to order any additional documentation, i.e. an "accounting," to
11 clarify the inconsistent representations made to the Court. In response to the Court's request for
12 supporting documentation, on September 21, 2012, the Los Angeles County Department of
13 Probation submitted a spreadsheet contained in Progress Report sequence No. 12. The
14 spreadsheet dated three years earlier (November 18, 2009) was prepared by the Richmond Police
15 Department and purported to document all community labor performed between November 16,
16 2009 and August 8, 2012. (See People's Exhibit 3, hereafter Exh. 3.)

17 The People again objected to the lack of documentation and again requested
18 corroboration for the accounting. On November 1, 2012, in response to the Court's request for
19 additional accounting of the reported labor hours, the Los Angeles County Probation Department
20 submitted the exact same spreadsheet that it submitted on September 21, 2012. The Honorable
21 Judge Schnegg granted the People's request for time to investigate discrepancies apparent on the
22 face of the documentation submitted to the Court on behalf of the Defendant. The Court then
23 scheduled this Probation Violation Setting date.

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STATEMENT OF THE FACTS

The facts relevant to this motion include the following summary of an inquiry conducted by the Los Angeles County District Attorney's Office, Bureau of Investigation in an effort to verify the conclusory and inconsistent information contained in the spreadsheet provided to the Court.

District Attorney's Office Investigators traveled to Virginia and attempted to interview any of the individuals who may have been involved in the supervision of the Defendant's community labor. Individuals interviewed included representatives from: The Commonwealth of Virginia Department of Corrections Probation and Parole Office (hereafter "Virginia Probation"); the City of Richmond Police Department; and the Tappahannock Children's Center. Reports of these interviews are attached and reference herein as Los Angeles County District Attorney Bureau of Investigation Supplemental Reports. (See People's Exhibit 4, hereafter, Exh. 4.) This inquiry revealed no credible, competent, or verifiable evidence that Defendant Brown performed his community labor as represented to this Court.

In fact, the evidence shows that although Virginia Probation accepted supervision of Defendant, no one from that Department ever approved, scheduled, supervised, monitored, or verified any of the community labor reported to this Court. Representations made by the Richmond Police Department regarding supervision, completion, documentation and reporting of the Defendant's labor are inconsistent, unreliable, and cannot be attributed to any source. Claims that the Defendant completed in excess of 500 hours of community labor at Tappahannock Children's Center cannot be verified or documented. In addition, claims that the Defendant cleaned, stripped and waxed floors at that location have been credibly contradicted.

No circumstance exists to justify the Court's acceptance of Defendant's purported completion of community labor when said labor has been self-scheduled, unsupervised, and essentially self-reported.

After a thorough review of all documents and evidence submitted to the Court it appears there are significant discrepancies indicating at best sloppy documentation and, at worst

1 fraudulent reporting and possible misdemeanor violations of California Penal Code section 539 –
2 “Fraudulent Certification of Completion of Court-Ordered Community Service.”

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4 **A.**
5 **The Accounting of Hours Submitted To This Court Is**
6 **Inconsistent, Unsubstantiated and Unverifiable**

7 In a letter dated August 24, 2009, Bryan T. Norwood, Chief of the Richmond
8 Police Department represented to the Court that his department was “prepared to put Mr. Brown
9 to work in the community performing manual labor tasks, such as graffiti removal, trash pick up,
10 washing cars, cleaning, maintaining grounds, etc.” Chief Norwood further stated the following
11 regarding Defendant's activities:

12 “activities would be performed under the supervision of myself and those under
13 my command and he [Defendant] will be responsible for paying any costs
14 incurred regarding the facilitation of this arrangement to include, adequate
15 security from the public (in the event they become aware of his presence) and
16 one-on-one supervision where special projects are instituted. Proper
documentation of his days/hours worked will be maintained in our files and we
are willing to provide progress reports to the Court if the Court requires such.”

17 (See People's Exhibit 5, hereafter Exh. 5.)

18 In a follow up letter to the Court, Chief Norwood represented that as of November
19 8, 2011, the Defendant “performed **103 days** of community labor in the Richmond area.” (See
20 People's Exhibit 6, hereafter Exh. 6.) It should be noted that 103 days of labor at 8 hours a day
21 is equivalent to 824 hours.

22 Three months later, on February 8, 2012, in a progress report from Virginia
23 Probation, Supervising Officer E. Covington represented the Defendant “completed 701 hours of
24 community labor thus far” and that . . . “he appears to be eligible to be released from further
25 supervision.” (See People's Exhibit 7, hereafter Exh. 7.) A comparison of the November 2011
26 report (of 103 days or 824 hours of labor) to the subsequent February 2012 report (of only 701
27 hours of labor) demonstrates a significant discrepancy in reporting. This discrepancy was noted
28 and brought to the attention of the Court and the Defendant at the next regularly scheduled
Probation Progress Reporting date.

1 Finally, in response to the Court's request for an accounting of the hours reported
2 by the various departments, in a letter to the Court dated September 14, 2012 Chief Norwood
3 claimed "[A]s of August 24, 2012 Chris Brown has successfully completed approximately 202
4 days of supervised manual/community labor in the Richmond area." (See People's Exhibit 8,
5 hereafter Exh. 8.)

6 Completion of 202 days of labor at 8 hours a day is equivalent to 1616 hours of
7 labor. Interestingly, the spreadsheet claims a total of only 1402 hours and 162 actual days of
8 community labor. Even if it were reliable, the spreadsheet does not satisfy the Court ordered 180
9 days, or 1440 hours, of community labor.

10 On its face, and in combination with the remaining evidence, the spreadsheet
11 which purports to compile the dates, locations and hours worked is not credible documentation
12 of proof of completed community labor. As reported by Ms. Victoria Pearson, General Counsel
13 for the Richmond Police Department, the spreadsheet was prepared by the Richmond Police
14 Department in September 2012 at the request of the Defendant's attorney. This spreadsheet was
15 transmitted directly to the Defendant's attorney. The Richmond Police Department did not
16 provide the spreadsheet to the Virginia Department of Corrections Probation and Parole Office.

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18 **B.**

19 **Neither the Virginia Probation Office Nor the Richmond Police**
20 **Department Supervised the Community Labor Portion of this**
21 **Defendant's Probation**

22 1. **Virginia Department of Corrections Probation and Parole Office**

23 On November 8, 2012, Probation Officer Eric Covington, the Virginia Probation
24 Officer assigned to supervise the Defendant's probation, was interviewed by District Attorney's
25 Office Investigators. Officer Covington revealed that no one from his department scheduled,
26 supervised, monitored or verified Mr. Brown's community labor. He stated this type of
27 community labor arrangement was extremely unusual and such an agreement had never
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1 previously been entered into by his Department. His Department had never relinquished
2 probation supervision to the Richmond Police Department or any other police department.

3 Officer Covington stated he was informed by Mr. Brown's attorney that the Court
4 ordered Mr. Brown's community labor to be supervised, scheduled and overseen by Chief
5 Norwood of the Richmond Police Department. Officer Covington said the Department kept a
6 copy of the "Court order" in its files; however Officer Covington was unable to locate a copy of
7 that Court order.

8 Officer Covington provided Chief Norwood with the required sign-in and sign-out
9 log, to be completed by the Defendant and signed by the person supervising the work. Officer
10 Covington also indicated their established procedure was to set up a schedule and require the
11 probationer to show up on time and adhere to that schedule. Additionally, the community
12 service and community labor locations, used by Officer Covington's department, are pre-
13 designated and familiar with the procedures used in supervising and documenting felony
14 probationers.

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16 2. City of Richmond Police Department
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18 On November 6, 2012, Investigators from the District Attorney's Office went to
19 the Richmond Police Department and requested to speak with Chief Bryan Norwood. Ms.
20 Victoria Pearson, General Counsel for the Richmond Police Department, indicated Chief
21 Norwood was unavailable and offered to facilitate the inquiry regarding documentation of Mr.
22 Brown's community labor. In doing so, Ms. Pearson facilitated interviews of the following
23 personnel: Deputy Chief J. Buturla, Major M. Shamus, Detective R. Payne and Ms. Antoinette
24 Archer. Following are summaries of the information gained through each of the interviews:

25 a. Ms. Pearson

26 1. Chief Bryan Norwood did **not** compose any of the Police Department's
27 correspondence submitted to the Court. Ms. Pearson drafted the letters and submitted them to
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1 the Chief for his signature. After the letters were signed, she did not submit them to Virginia's
2 Probation Department. Instead, she sent them to the Defendant's attorney.

3 2. Although all of Chief Norwood's correspondence to the Court states "[P]roper
4 documentation of his days/hours worked will be maintained in our files" this documentation does
5 not exist.

6 3. Additionally, the Chief's correspondence provided that the Defendant's
7 "activities would be performed under the supervision of myself and those under my command
8 and he will be responsible for paying any costs incurred regarding the facilitation of this
9 arrangement to include . . . one-on-one supervision where special projects are instituted." Other
10 than the submitted spreadsheet, no documentation exists for any of Mr. Brown's "activities"
11 being "performed under the supervision" of the Richmond Police Department. As of December
12 31, 2012 the Richmond Police Department neither documented nor billed for costs incurred in
13 the Department's "supervision" of the Defendant.

14 4. The only information supplied which purports to document the hours
15 Richmond Police Department personnel expended supervising the Defendant is the "Overtime
16 Valuation Report 09/01/2009 to 11/07/2012." (See People's Exhibit 9, hereafter Exh. 9.)

17 Analysis of this document reveals 21 separate dates where overtime was accrued
18 to provide "protection" for Defendant Brown. However, on five of those dates (May 15,
19 September 7 – 9, and November 7, 2010) no community labor is reported to have been
20 performed by the Defendant. Instead, Richmond Police personnel provided a security detail for a
21 concert performance by the Defendant.

22 The report details 18 separate dates documenting the Defendant's community
23 labor. These dates fall between September 17, 2009 and March 9, 2010 (all of which are at the
24 start of probation.) However, the spreadsheet documents 31 separate days of community labor
25 performed between those same dates.

26 5. Ms. Pearson personally prepared the spreadsheet documenting the work
27 completed by the Defendant. However, she has no personal knowledge of the scheduling, dates,
28 hours, location or supervision of work completed. The spreadsheet submitted to the Court in

1 September 2012 was prepared using information received from Deputy Chief English. However,
2 there are no documents to support the information received from Deputy Chief English.

3 6. Deputy Chief English was responsible for the oversight of Mr. Brown's
4 community labor involving the Richmond Police Department. Deputy Chief English was also
5 unavailable to be interviewed.

6 7. This arrangement was facilitated through the Richmond Police Department
7 because of Mr. Brown's previously existing relationship with the department.

8 b. Detective Renee Payne

9 Detective Renee Payne and her partner were the primary Richmond Police
10 Department personnel assigned to supervise Mr. Brown's community labor. Deputy Chief
11 English provided Detective Payne with a schedule of dates, locations and times the labor was to
12 take place. The work was originally scheduled during regular business hours. When asked why
13 the spreadsheet refers to "various alleys" and not the actual location of work performed,
14 Detective Payne explained that due to intense media interest she began scheduling work in this
15 way to conceal Mr. Brown's presence.

16 Some time after the start of Mr. Brown's probation, Detective Payne was advised
17 by Deputy Chief English that Mr. Brown would complete community labor at the Tappahannock
18 Children's Center. This children's center is at least one hour's drive from Richmond. Deputy
19 Chief English asked Detective Payne to make periodic checks on Mr. Brown's presence at the
20 center and to do so after her regularly scheduled work hours. When Detective Payne made these
21 periodic checks, she noted the Defendant was present with his mother, his body guard, his
22 personal assistant and his sister. The "overtime" records show Detective Payne made nine trips
23 to the Tappahannock Children's Center to verify the Defendant's presence at the center. On
24 those dates the Defendant was with his body guard, personal assistant and mother; no other law
25 enforcement personnel were present.

26 After several months of supervision, Detective Payne summarized the dates,
27 times, locations and hours of work performed by the Defendant and forwarded that information
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1 to Ms. Pearson. At the time of her interview neither Detective Payne nor Ms. Pearson possessed
2 that documentation.

3 When asked about documenting the Defendant's labor, Detective Payne said the
4 dates, times, locations and description of work done was provided by Ms. Hawkins either
5 through email or by phone. Detective Payne submitted that information to Deputy Chief
6 English. Detective Payne was also given a copy of the Defendant's entire schedule which
7 included tentative community labor dates. She specifically remembered an occasion where Mr.
8 Brown's schedule indicated he was going to work on a particular Monday. Mr. Brown called
9 Detective Payne and said he would only be available after 12:00 p.m. that Monday because he
10 was participating in a charity basketball event in Washington D.C. Mr. Brown later called
11 Detective Payne and said he would not work at all the day because he was still in Washington
12 D.C. Detective Payne no longer possessed any documentation of the Defendant's personal
13 schedule.

14 c. Ms. Antoinette Archer

15 Ms. Antoinette Archer is a civilian employee of the Richmond Police Department,
16 assigned to the Human Resources Division. Ms. Archer reported that on several occasions Mr.
17 Brown, along with his friends and bodyguard, appeared at the Human Resource Division to shred
18 files for the Police Department. Ms. Archer supervised this activity. Mr. Brown did not report
19 to work according to any schedule, instead he showed up based on his personal availability. Ms.
20 Archer said she made no record of Mr. Brown's activities and is unaware of the existence of any
21 records documenting Mr. Brown's activity under her supervision.

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23 3. Tappahannock Children's Center
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25 On November 7, 2012 Investigators went to the Tappahannock Children's Center
26 and interviewed Ms. Ida Minter. Ms. Minter is the current Administrator at the Children's
27 Center. The Center is more than 40 miles and two counties east of the City of Richmond.
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1 Ms. Minter said she had worked at the center for 32-1/2 years. She also said Ms.
2 Joyce Hawkins, the Defendant's mother, had previously been the Director of the center.
3 Although Ms. Hawkins was no longer involved in the day to day operations, she was still
4 involved with the center and had her own set of keys to the facility. Ms. Minter was informed by
5 Joyce Hawkins and the Defendant's attorney that the Defendant would be completing some of
6 his court ordered community labor at the center. Ms. Minter did not object. However, she
7 informed Ms. Hawkins that the work had to be done after hours when children were not present.
8 According to Ms. Minter, neither the Richmond Police Department nor the Virginia Probation
9 Department ever contacted her to coordinate or supervise Defendant's work at the center.

10 Ms. Minter was advised that Ms. Hawkins would use her own keys to allow the
11 Defendant into the facility. It appears Defendant's mother was responsible for orchestrating this
12 work outside of normal operating hours. Ms. Minter was never given a schedule as to when the
13 Defendant would perform work at the facility, nor did she ever see the Defendant perform any
14 work at the center. Ms. Minter assumed the Defendant completed the work because she smelled
15 cleaning products and fresh paint. On several occasions she noticed the floors appeared to have
16 been stripped and waxed and again assumed the Defendant had performed that work.

17 The center has routinely scheduled floor maintenance performed by a commercial
18 floor cleaner. On the several occasions Ms. Minter noticed the floors appeared to have been
19 stripped and waxed she called the person who performed the regularly scheduled maintenance
20 and canceled the scheduled floor maintenance. Ms. Minter said she paid the floor cleaner for the
21 cancelled work even though he did not perform the work.

22 When contacted by the Investigators, the commercial floor cleaner disclosed that
23 he maintained the floors at the center for the last eight years. He said he has a set routine and
24 schedule for buffing, stripping, and waxing the floors. This work is done after hours during the
25 week and on every Saturday and Sunday. In the past three years, no one else has stripped or
26 waxed the floors. He knows the Defendant and has not seen the Defendant at the center. He has
27 never been contacted by Ms. Minter to cancel the regularly scheduled floor maintenance, nor has
28 he accepted payment for work he did not perform.

Shortly after speaking with the Investigators he was contacted by Ms. Minter. Ms. Minter attempted to tell him how to answer questions the Investigators may have about the Defendant's work at the center. He told Ms. Minter he would not lie to anyone about anything.

C.
**Claimed “Labor” Was Not “Community” Labor Nor Was It
Performed In Defendant's County of Residence**

The Defendant's residence is in Montpelier, Virginia. The Defendant requested his probation supervision be transferred to Virginia so that he would be able to perform community labor in his community. Representations were made which led the Court and People to believe that all "community labor" would be performed in the Defendant's community. The Court and the People assumed the Defendant would complete the community labor in the area of his residence. It was never contemplated that the Defendant would orchestrate completion of community labor: 1) outside of the community in which he lived; 2) outside of his assigned Probation Supervision District; 3) selectively in coordination with a Police Department outside his County of residence; and 4) outside the jurisdiction of the police department allegedly supervising his community labor. Not one day or even one hour of his claimed community labor was performed in his own County or in his assigned Probation Supervision District.

The Commonwealth of Virginia Department of Corrections Probation and Parole Office accepted supervision of the Defendant and assigned Mr. Brown to District 41 of the Central Division, in Ashland, VA. This supervision district is located in Hanover County.

The city of Richmond is not located in Hanover County, nor is it located in District 41. Probation Officer E. Covington stated that Virginia Probation has never permitted the Richmond Police Department to assume probation supervision duties of convicted felons.

The Defendant allegedly completed in excess of 500 hours of community labor at “Tappa Day Care.” “Tappa Day Care” is actually the Tappahannock Children’s Center, located in Tappahannock, Essex County, VA. It is in Virginia Probation’s “Eastern Division,” separated by at least three counties and more than 60 miles from the Defendant’s home. The claimed community labor performed at the center was orchestrated and scheduled through Ms. Joyce

1 Hawkins, the Defendant's mother. Ms. Hawkins has historically had lengthy personal and
2 financial interests in Tappahannock Children's Center, such that she maintains keys to the
3 facility and has full access to the center at any time. Ms. Hawkins was the Director of the Center
4 and has previously served on the Board of Directors of the center's parent corporation,
5 A.C.T.I.O.N, Inc.

6 As represented by the current Administrator of Tappahannock Children's Center,
7 the Defendant's mother orchestrated Mr. Brown's work at the Center. Ms Hawkins used her
8 personal keys to provide after hours access for the Defendant and his companions into the center,
9 without probation or law enforcement supervision. Unsupervised and uncorroborated
10 "community labor" under these circumstances, while accompanied by a body guard, personal
11 assistant, and others outside of his own residential community was not the type of community
12 labor the Court or the People agreed to as a condition of the Defendant's supervised probation.

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14 **D.**

15 **Defendant Brown Could Not Have Performed Community Labor**
16 **As Claimed Because He Was Not Physically Present In the**
17 **Commonwealth of Virginia on Several of the Reported Dates**

18 1. October 23, 2010

19 On October 23, 2010, Defendant Brown was not physically present in Richmond,
20 Virginia when he was reported to be performing community labor under the supervision of the
21 Richmond Police Department. Mr. Brown was in Washington D.C., participating in the Eunice
22 Kennedy Shriver Challenge which took place on Saturday October 23, 2010. Mr. Brown was the
23 official host for this charity event. His presence at that event in Washington D.C. was well
24 documented and reported in the news. (See People's Exhibit 10, hereafter Exh. 10.)

25 However, on that same date, October 23, 2010, the Richmond Police
26 Department's spreadsheet reports the Defendant worked from "1000 -1800" in Richmond, VA at
27 "300 Block West Grace St. 8 hrs." Richmond is approximately 120 miles from Washington D.C.
28 making it impossible for the Defendant to be anywhere near the "300 Block West Grace St." as
reported to this Court.

1 2. March 15, 2012

2 The Richmond Police Department reported that the Defendant was “picking up
3 trash” for “4” hours in the “3rd Precinct” between “1000-1800.” If, in fact, he would have
4 worked from “1000 to 1800” he would actually be working eight hours instead of the claimed
5 “4” hours.

6 Information obtained from Excelaire Service, Inc., a private airline, shows the
7 Defendant was en route from Richmond to Cancun on March 15, 2012. The Defendant was on a
8 private jet which left Richmond at 4:00 p.m. (1600 hours) Boarding a private jet prior to 1600
9 hours makes it physically impossible for the Defendant to have picked up trash between 1000-
10 1800 hours (10:00 a.m. – 6:00 p.m.) on March 15, 2012.

11 3. December 12, 2011

12 The Richmond Police Department spreadsheet reported the Defendant performed
13 “trash pick up” for “8” hours in a one block area of “1100-1200 N. 22nd St.” in Richmond
14 between “900-1700” hours. However, information from the Department of Homeland Security
15 showed the Defendant’s passport was cleared on December 12, 2011 at Dulles International
16 Airport, outside Washington D.C., at 6:44 a.m. after returning from Dubai on a commercial
17 airline. Richmond is approximately 120 miles from Dulles airport. It would be unreasonable to
18 believe that after a 12-13 hour flight, the Defendant rushed through Customs and the Washington
19 D.C. early morning rush hour traffic, traveled directly to Richmond in just over two hours, and
20 then worked eight straight hours picking up trash in a one block area.

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1 Finally, because Defendant is a probationer, "[t]he activities of a
2 probationer are thus subject to more careful official scrutiny than those of other citizens."
3 (*People v. Perez* (1966) 243 Cal.App.2d 528, 532.)

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5 **ADDITIONAL**
6 **POTENTIAL PROBATION VIOLATIONS**

7 1. January 27, 2013

8 The defendant was involved in a fight on January 27, 2013 at a recording studio in
9 West Hollywood, CA. A preliminary investigation by The Los Angeles County Sheriff's
10 Department revealed that when leaving a recording studio with several friends, the Defendant
11 extended his hand to shake hands with another musician, Mr. C. Breaux. Mr. Breaux refused to
12 shake hands with the Defendant and informed Defendant Brown that his car was parked in Mr.
13 Breaux's assigned parking space. The Defendant punched Mr. Breaux on the side of his face.
14 Two of the Defendant's friends also began to punch Mr. Breaux. After two to three minutes they
15 stopped punching Mr. Breaux and Defendant Brown said "[W]e can bust on you too!" "Bust" is
16 a slang term used on the street to mean shoot. The Los Angeles County Sheriff's Department is
17 continuing this investigating.

18 2. August 15, 2012

19 In Probation Progress Report No. 12 a letter from The Commonwealth of Virginia
20 Department of Corrections Probation and Parole Office was submitted to this Court. (See
21 People's Exhibit 11, hereafter Exh. 11.) The letter, dated August 15, 2012, describes several
22 probation violations involving the use of marijuana and the failure to obtain a travel permit,
23 committed by the Defendant.

24 a. Marijuana – June 18, 2012

25 On June 18, 2012 the Defendant tested positive for marijuana use. When
26 informed of this positive test, the Defendant claimed he was authorized to use marijuana for
27 medical purposes. He presented a card from a California acupuncturist purportedly
28 recommending such use. The Defendant was informed that the Commonwealth of Virginia has
no laws permitting the use of marijuana in any form, and such use is not permitted while on

1 supervision in Virginia. On September 17, 2012 in explanation of his positive test in Virginia,
2 the Defendant told a California Probation Officer that he used marijuana in California.

3 Pursuant to the California Business and Professions Code section 4937, an
4 acupuncturist is specifically prohibited from recommending or prescribing marijuana for any
5 purpose. (*Calif. Business and Professions Code sect. 4977(d).*) Under these circumstances, the
6 Defendant's possession, use, or being under the influence of marijuana in any form is in violation
7 of both California and Virginia's laws.

8 b. Travel Permit. July 2012

9 This Defendant was specifically ordered to obtain "prior approval before he
10 leaves the country subject to the Court's permission and also to approval of the Probation
11 Department." (See People's Exhibit 12 at page 11 lines 9 -12, hereafter Exh. 12.) Prior to July
12 22, 2012 the Defendant was very familiar with Probation's requirements for travel as he had
13 already obtained in excess of 35 travel permits from Virginia Probation. However, prior to
14 leaving for a Court approved trip to Paris on July 22, 2012, he was again instructed to report to
15 the Probation office to sign and receive his travel permit. The Defendant did not report, nor did
16 he sign or receive a travel permit, and left the country without the Probation Officer's
17 permission. After this trip to Paris, the Defendant returned to Virginia and did not contact the
18 Probation office. His failure to report, sign and receive the travel permit is in violation of
19 probation. His failure to report upon re-entry to the United States and return to Virginia is a
20 separate and additional violation of the travel conditions.

21 3. February 19, 2012

22 At approximately 4:00 a.m. the Defendant was leaving a nightclub with his then
23 current girlfriend and members of his entourage. As he got into a limousine a female fan
24 attempted to take a photograph of the Defendant and his girlfriend. The Defendant reached over
25 the female passengers in the car, grabbed the phone from the fan's hand and said "Bitch you're
26 not going to put these pictures on a website." The windows of the limousine went up and the car
27 drove off, in a line with several other vehicles. The female fan pursued the car demanding her
28 phone be returned. The front seat passenger cracked his window and told her the phone had been

1 tossed from the car. The female searched for her phone, but could not find it. The female
2 reported the phone theft to the Miami Police Department.

3 The phone was tracked and located, three days later, on a tour bus belonging to
4 one of the entertainers who was with the Defendant on February 19, 2012. The Miami Police
5 Department interviewed eleven people regarding this theft. The Office of the State Attorney in
6 Florida declined to file criminal charges in this case. However, the evidence clearly shows the
7 Defendant took the phone by force from the fan's hand. This action reflects the Defendant's
8 anger management problems and at a minimum constitutes petty theft.

9 4. March 22, 2011

10 On March 22, 2011 while being interviewed for a segment on the Good Morning
11 America television show in New York City, the Defendant became angry when asked questions
12 about his assault on Rhianna. In response, the Defendant threw a chair through a glass window,
13 breaking the window. This act of vandalism is another demonstration of the Defendant's anger
14 control issues and violent temper resulting in a violation of the law.

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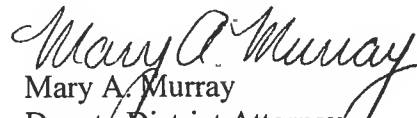
CONCLUSION

For the reasons stated above, it is respectfully requested that this Court decline to accept the records of community labor which have been supplied to the Court. The Defendant has failed to provide the Court with competent evidence of performing the labor as ordered. The People accordingly request this Court terminate the prior consent permitting Defendant to complete his community labor requirement in Virginia. It is further requested the Court modify the conditions of probation by ordering Defendant Brown to fulfill his obligation of 180 days of community labor here in Los Angeles County, under the appropriate supervision of the Probation Department as ordered by the Court in the original grant of probation.

Dated: February 6, 2013

Respectfully submitted,
JACKIE LACEY
District Attorney of Los Angeles County

By


Mary A. Murray
Deputy District Attorney